United Nations S/2014/550

Security Council

Distr.: General
31 July 2014

Original: English

Report of the Secretary-General on the United Nations Office in Burundi

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2137 (2014), in which the Council extended the mandate of the United Nations Office in Burundi (BNUB) until 31 December 2014, and requested me to inform it of progress on the benchmarks, the implementation of the mandate of BNUB and the resolution, and the conditions that affect such implementation, as well as on the transition of BNUB to the United Nations country team. The report provides an update since my report of 20 January 2014 (S/2014/36), and is structured around the benchmarks.

II. Progress in peace consolidation

A. Democratic process

2. Since the last report, the political situation in Burundi has remained tense amid sharp divergences over key sociopolitical issues affecting the country. Yet, dialogue between the Government and opposition political parties, though fragile, also led to some progress in establishing a legal and political framework for the conduct of the 2015 general elections.

3. In early 2014, the political situation in Burundi sharply deteriorated following a growing rift within the governing coalition between the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) and the Union pour le Progrès national (UPRONA). Tensions between UPRONA and CNDD-FDD intensified amid the resistance of UPRONA to support constitutional amendments proposed by the latter which would have altered the country's ethnic power-sharing balance and allowed President Nkurunziza to run for another term. On 29 January, the Minister of the Interior removed Charles Nditije from the presidency of UPRONA. The action by the Minister came after a Supreme Court decision on 27 January on the outcome of UPRONA party congress in 2012 made it possible for the Minister to enforce an earlier Supreme Court ruling of that year that invalidated the election of Mr. Nditije at the congress. On 31 January, Bernard Busokoza, First Vice-President and a member of the UPRONA party, annulled the decision of the Minister of the Interior arguing that it interfered in the internal affairs of a political party and violated the Constitution and the Law on Political

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Parties. A day later, President Nkurunziza dismissed Mr. Busokoza as First Vice-President of the Republic, declaring that he had failed to distinguish between his party and State responsibilities, and had undermined the Government by calling for a withdrawal of the CNDD-FDD-sponsored draft constitution from the National Assembly. Subsequently, three UPRONA ministers resigned from Government on 4 and 5 February, following a call by Mr. Nditije on them to step down in solidarity with the party.

4. These developments exacerbated long-running divisions within UPRONA, pitting those in the leadership willing to continue the Government coalition against those who opposed CNDD-FDD views on the constitutional review and who claimed to be the legitimate representatives of the party. On 11 February, the Ministry of the Interior recognized Concilie Nibigira as the new President of UPRONA. In her new capacity as President of UPRONA, Ms. Nibigira nominated Prosper Bazombanza, whom President Nkurunziza had appointed as the new First Vice-President on 14 February. The move was followed by the appointment on 18 February of three ministers of the UPRONA wing recognized by the Ministry of the Interior, which further exacerbated divisions within UPRONA and between the former UPRONA leadership and CNDD-FDD. On 30 June, Ms. Nibigira addressed a letter to the Minister of the Interior, indicating that Mr. Nditije had been expelled from UPRONA. Outlawed, the former UPRONA leadership is now prevented from holding meetings and other activities.

5. On 8 March, police used tear gas to disperse members of the opposition Mouvement pour la solidarité et le développement (MSD) who were planning to hold a rally in Bujumbura. Some demonstrators fled and found refuge at the MSD headquarters. The demonstrators detained and disarmed two police officers who had entered the premises without a judicial warrant in pursuit of the demonstrators. After negotiations between MSD and the police to secure the release of the police officers failed, the latter stormed the MSD headquarters, using tear gas and live ammunition. A total of 13 people were injured and over 80 were arrested. On 21 March, the Bujumbura Mairie High Court sentenced 21 MSD members to life in prison. Another 27 members, including three minors, were given prison terms between 3 and 10 years, while 22 were acquitted. BNUB noted several violations of the right to due process during the trial, including violations of the right to have counsel, the presumption of innocence and the right to have sufficient time to prepare one's defence. Meanwhile, on 12 March, the Public Prosecutor issued an arrest warrant against MSD President Alexis Sinduhije for insurrection and rebellion. He went into hiding and has since been living in Europe.

6. On 21 March, the National Assembly failed to adopt by one vote the draft law amending the Constitution. While CNDD-FDD presented the constitutional revision as an attempt to delete provisions that it considered to have become obsolete, opposition parties noted that the draft would have removed provisions that may constitute an obstacle to a candidacy of President Nkurunziza in the 2015 presidential elections. It would have also removed all references to the 2000 Arusha Peace and Reconciliation Agreement for Burundi. In keeping with the legislative procedures, the Speaker of the National Assembly indicated that the draft law would be sent back to the Government, which could resubmit a new text in one year. That left the Government the option of organizing a popular referendum on the constitutional amendments if it wished to amend the Constitution in advance of the elections in 2015. On 8 April, the deputy spokesperson of President Nkurunziza

announced that there would be no referendum on the proposed constitutional amendments and that the 2005 Constitution would remain the basis of the 2015 elections.

7. Allegations that arms and training had been provided to the youth wing of CNDD-FDD, which came to light through the publication on the Internet on 10 April of a leaked confidential BNUB code cable, stirred public debate in Burundi. A CNDD-FDD statement issued on 10 April called the allegations rumours and lies. The Government, the National Assembly, the Senate, the Office of the Ombudsman and all political parties close to CNDD-FDD rejected the allegations. At the same time, calls by opposition parties, civil society organizations, the National Commission on Human Rights and many members of the Security Council to establish an independent commission of inquiry were dismissed by the Government. I personally raised my concerns about these allegations with President Nkurunziza, regional leaders and members of the international community.

8. The leak of the BNUB cable also led to a deterioration of relations between BNUB and the Government. On 17 April, the Government declared the BNUB Security Adviser who was mentioned in the cable persona non grata for attempting to "destabilize" Burundi. About seven weeks later, another BNUB staff member, a close protection officer, had to leave the country when the Government requested BNUB to expel him. The staff member had inadvertently left ammunition in his luggage on 25 May, while preparing to board a plane at Bujumbura International Airport and handed over the ammunition to the civil aviation authorities. BNUB protested in both cases, as the actions taken by the Government were in violation of the status-of-mission agreement between the United Nations and the Government.

9. Following the allegations of weapons distribution to the youth wing of CNDD-FDD, the Security Council met on 8 April and expressed its concern about political tensions in Burundi, including reported acts of intimidation, harassment and violence committed by youth groups in the country. It further stressed the urgent need for the Government of Burundi to address impunity and for all political parties to publicly condemn all political violence and acts of incitement to hatred or violence, in line with the Constitution of Burundi and the Arusha peace agreement.

10. On 25 and 27 April, the National Assembly and the Senate, respectively, unanimously adopted the new Electoral Code that will govern the organization of the 2015 elections. Most of the recommendations made during the workshop on the Electoral Code, held from 22 to 24 May 2013 in Kayanza, were incorporated into the Code. The controversial requirement for presidential candidates to have a university degree was removed from the Code, which was promulgated on 3 June by President Nkurunziza. In a related positive development, on 20 May, BNUB and the Government jointly organized a second evaluation workshop of the electoral road map adopted by consensus by political parties and actors in March 2013. All political parties and actors, including those not recognized by the Government, members of the Independent National Electoral Commission, former Heads of State, civil society organizations and the media participated. The main outcome of the workshop was the adoption of a set of general principles that would serve as the code of conduct for political parties, actors and independent candidates before, during and after the 2015 elections. The General Principles for the conduct of the 2015 elections were signed by the Government, the Independent National Electoral Commission, political parties and actors and the United Nations on 9 June.

11. Key opposition leaders continue to face criminal charges and their movements remain restricted. The current Vice-President of Sahwanya-Front pour la démocratie du Burundi (Sahwanya-FRODEBU), Frédéric Bamvuginyumvira, was detained on corruption charges on 6 November before being released on bail on 20 March, while the movements of Agathon Rwasa, the former leader of the Forces nationales de libération (FNL), are reportedly closely monitored. The Alliance démocratique pour le changement-Ikibiri (ADC-Ikibiri) and Sahwanya-FRODEBU President, Léonce Ngendakumana, was summoned three times before the Assistant Public Prosecutor on 17, 22 and 25 April for interrogation, following a letter he addressed to me on behalf of the coalition, in which he noted the likelihood of a humanitarian catastrophe in Burundi and called on the international community to prevent "political genocide" in the country.

12. In an attempt to reduce violence by politically active youth, the Ombudsman convened a United Nations-sponsored workshop on 27 and 28 May for representatives of youth leagues affiliated with political parties to discuss their role in peace consolidation and tolerance in political diversity. More than 200 youth participated in the forum, leading to the adoption of a series of recommendations on the promotion of a spirit of tolerance, mutual respect for political diversity and avoiding violence as a means of resolving conflict. However, youth affiliated with ADC-Ikibiri rejected the recommendations on the grounds that they did not reflect the discussions during the forum.

13. On 18 July, the President of the Independent National Electoral Commission announced the electoral calendar as follows: elections of the communal councillors and members of the National Assembly on 26 May 2015; presidential elections on 26 June 2015, with, if necessary, a second round on 27 July; senatorial elections on 17 July; and elections of councillors at the *Colline* and *Quartier* level on 24 August 2015. Presidential aspirants will be able to submit their candidacies between 30 April and 9 May 2015, while the electoral campaign will take place from 10 to 23 June 2015.

B. Security and stability

14. The security situation across the country remained stable. Since January, 11 armed clashes have occurred in Cibitoke and Bubanza provinces and in the Rukoko forest on the border with the Democratic Republic of the Congo, mainly between the armed forces of Burundi and the Democratic Republic of the Congo on one side, and a faction of FNL led by Aloys Nzabampema, on the other hand. A total of five Force de défense nationale (FDN) soldiers and six FNL combatants were reportedly killed, while six FDN soldiers and three FNL combatants and two civilians were injured during the clashes.

15. Following the leak of the BNUB cable on the alleged distribution of arms to the Imbonerakure in April, several media and non-governmental organizations (NGOs), including the Association burundaise pour la protection des droits humains et des personnes détenues (APRODH), alleged that members of the Imbonerakure, the youth wing of the ruling CNDD-FDD party, were being trained near Ondes-Kiliba in eastern Democratic Republic of the Congo. The Government rejected the allegations, and investigations conducted by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) found

no evidence of the presence of the Imboneri kure or of any paramilitary training by Burundian elements in the area.

16. On 24 April, the National Assembly adopted the revised organic law on the Burundian National Police to eliminate an overlap of roles and responsibilities between the Ministry of Public Security and the Directorate General of the Police. The new law also replaces the regional police officers with provincial and municipal police offices to ease the overall administrative burden of the police.

17. The weapons collection programme of the second disarmament campaign was completed in February, with the support of the United Nations Development Programme (UNDP). A total of 52 rifles, 504 grenades and 825 cartridges were collected during the campaign, which began on 11 November 2013. Yet, the impact of the campaign in reducing armed violence and curbing the proliferation of small arms and light weapons in Burundi was limited. For instance, 62 hand grenade attacks were reported during the reporting period throughout Burundi, according to the Commission nationale permanente de lute contre la prolifération des armes légères et de petits calibres.

18. BNUB continued to provide technical support to the permanent secretariat of the National Security Council in the implementation of the national security strategy, which was adopted in 2013. As part of the strategy, BNUB funded a sensitization workshop on 6 May 2014 for senior government officials from the Ministries of Defence, Public Security and the Interior and advisers to governors in the 17 provinces. The workshop focused on the roles of the participants in the national security strategy framework, especially in the recently established mixed security committees, which bring together local members of State, security and justice institutions with civil society, religious organizations and the media to help address the 114 political, economic, social and environmental threats identified in the national security strategy. In addition, BNUB also contributed to the National Review of Security Sector Reform in Burundi, which was conducted by the International Security Sector Advisory Team and led to a report recommending improvements to Burundi's national security architecture.

19. BNUB continued to advocate for increased respect for human rights in and by the defence and security forces. In this regard, it organized a human rights sensitization conference for army officers on 27 March with the Ministry of Defence, followed from 3 to 5 June by a training of trainers course for 50 human rights officers from the defence and security forces, which was organized with the National Human Rights Commission.

C. Transitional justice

20. On 15 May, President Nkurunziza promulgated the law on the Truth and Reconciliation Commission, which was adopted by the National Assembly on 17 April. UPRONA and FRODEBU-Nyakuri boycotted the vote on the grounds that the mode of selection of the members and bureau of the Truth and Reconciliation Commission was not likely to guarantee its independence. They also raised concerns about the absence of a reference to a judicial mechanism in the law. The President of the opposition coalition ADC-Ikibiri expressed regret over the adoption of the law and called for the establishment of the Truth and Reconciliation Commission after the 2015 elections. The Commission will cover the period from Burundi's

independence in 1962 until 2008, when the last armed group joined the peace process. It will be composed of only Burundian Commissioners serving four-year terms, renewable once. The Office of the United Nations High Commissioner for Human Rights (OHCHR) advised the Government that the Truth and Reconciliation Commission law includes provisions that are not in line with international standards and noted the lack of inclusiveness of the process that led to the adoption of the Truth and Reconciliation Commission law.

21. Several civil society organizations, including some of those active in the Reflection Group on Transitional Justice, regretted that President Nkurunziza did not request the National Assembly to resubmit a draft bill that includes all of the recommendations of the 2009 national consultations and recommendations from civil society organizations. On 23 June 2014, civil society members of the Group released a memorandum urging the Speaker of the National Assembly to ensure inclusivity of the transitional justice process and the transparent selection of members of the Truth and Reconciliation Commission.

D. Governance and institution-building

22. There was renewed tension over the handling of contested lands by the National Land Commission, notably in Bururi and Makamba provinces. Arrest warrants were issued on 21 March against seven residents in Bururi province who were accused of rebellion for obstructing the work of the Commission. Two residents were arrested by the police, while the other five went into hiding. Meanwhile, the law establishing the special court for land and other properties was adopted by the National Assembly and Senate on 17 and 28 April, respectively. The UPRONA and FRODEBU-Nyakuri parliamentarians boycotted the session and decried the law as unconstitutional. A number of civil society organizations, notably the Observatoire de l'Action Gouvernementale, expressed concern that the establishment of the court may serve electoral purposes and could further divide Burundian society along ethnic lines.

23. The pace of implementation of the national strategy on good governance and the fight against corruption has remained slow and efforts to revise the legal framework to fight corruption have stalled. Civil society organizations regularly lament existing levels of corruption and accuse the Government of being unwilling to fight the scourge. Several civil society organizations, including the Observatoire de la lutte contre la corruption et les malversations econimiques called upon the Government to take the necessary measures to speed up the process of the anti-corruption legal framework.

24. BNUB continued to support the strengthening of oversight institutions, notably the Anti-corruption Brigade and NGOs active in the fight against corruption. From January to May, the Anti-corruption Brigade received 250 complaints, of which 103 were submitted to the Parquet général of the Anti-corruption Court for appropriate action. In carrying out its mandate, the Court recovered 242 million Burundian francs during the period under review. In April and May, 45 officers of the Anti-corruption Brigade were trained in financial investigations and on the legal framework of the fight against corruption.

E. Rule of law

25. In a sign of improved transparency in judicial recruitments, the first competitive examination for the selection of aspiring magistrates took place in June with the support of bilateral partners. Selected candidates will start a two-year initial training period before being appointed as magistrates. It is the first time that magistrates will be selected according to a transparent process based on objective criteria.

26. In another sign of progress, a sectoral review meeting was held from 17 to 19 March in Gitega to assess the implementation of the strategic plan of the Ministry of Justice for the period 2011-2015. The meeting brought together 84 representatives of the Ministries of Justice and Public Security, judicial and correction institutions, civil society organizations and development partners. Participants recommended adopting new indicators for the strategic plan on reforming the status of magistrates and the High Council of Magistrates in line with international standards. The document of the sectoral review was approved by the Justice and Rule of Law Sectoral Group, which is composed of representatives of judicial institutions, development partners and civil society organizations, and will be transmitted to the Minister of Justice before its circulation. The commission in charge of drafting the bill reforming the status of magistrates met from 26 to 28 May to finalize the text.

27. Meanwhile, the follow-up committee to the National Conference on Justice, established by the Minister of Justice to evaluate the general state of the justice system in Burundi, did not meet, and it does not include representatives of civil society organizations, bar associations and magistrates' trade unions, as required by its terms of reference. The Minister of Justice has yet to engage in a dialogue with the syndicate of magistrates (SYMABU), after the former refused to recognize the validity of the election of the new executive committee last February.

28. Several cases during the reporting period reignited public concerns over the independence of the judiciary, as indicated in paragraph 4 above. On 16 May, the President of APRODH was arrested and later placed on pretrial detention for having declared on radio that some young Burundians were being trained in the Democratic Republic of the Congo and presented a forged photo to back up the assertions. He is accused of endangering internal and external State security and may face a sentence of up to eight years of imprisonment, if convicted.

29. During the period under review, BNUB and UNDP continued to support the Ministry of Justice in the areas of integrity, judicial independence and accountability. BNUB supported the Ministry of Justice in drawing up its strategic plan on strengthening accountability and integrity in the justice sector. BNUB also played an active role in the anti-corruption committee that was established by the Minister of Justice and that developed a draft plan aimed at preventing and fighting corruption in the justice sector. The plan was submitted to representatives of the Ministries of Justice and Good Governance, judicial institutions, development partners, an independent human rights commission, the Office of the Ombudsman and civil society organizations in May 2014. Finally, BNUB, in collaboration with UNDP, developed and distributed 1,000 copies of user guides for court litigants to representatives of the Ministry of Justice, courts, prosecutor's offices, bar associations and civil society organizations. Aimed at improving transparency in the

justice sector and in the fight against corruption, the guide provides information on judicial services and on relevant formalities and requirements to access these services.

30. In an effort to strengthen the concept of *justice de proximité* in Burundi, UNDP helped the Government of Burundi launch a project on legal aid services for vulnerable people, and installed 12 legal aid offices run by four civil society organizations in four northern pilot provinces (Ngozi, Muyinga, Kirundo and Kayanza). UNDP and development partners supported the Ministry of Justice in identifying and preparing the establishment of a national legal aid system.

F. Human rights

31. A major area of concern regarding human rights in Burundi is the steadily increasing number of violations and incidents affecting the exercise of public freedoms, notably the rights of peaceful assembly and association, opinion and expression. In this regard, as at 24 June, BNUB had documented and informed relevant government officials of 49 politically motivated incidents involving the Imbonerakure, compared to 18 incidents during the same period last year. These incidents included: (1) the prohibition or disruption of meetings planned by opposition parties; (2) physical assault of members of opposition parties; (3) the destruction of flags and other symbols of opposition parties; (4) threats and intimidation against people accused of refusing to join the ruling party or against known members of the youth wings of opposition parties; and (5) the extortion and ill-treatment of peaceful citizens, typically during night patrols of Imbonerakure members.

32. Since the beginning of the year, freedom of expression and freedom of the press have faced growing restrictions, including pressures and threats against media and journalists from the Burundian authorities and the Imbonerakure. On 15 March 2014, Burundi's National Security Council issued a statement threatening closure of the private radio station Radio Publique Africaine (RPA), following its coverage of the 8 March clash between MSD and the police, and calling on the National Communication Council to take appropriate measures against media responsible for broadcasting messages capable of inciting the population to revolt. Following the leaked BNUB cable, several journalists have been questioned by judicial authorities in connection with reports they have made about the alleged distribution of weapons in different parts of the country. On 8 May 2014, a member of the Rwasa-wing of FNL was arrested in Gihanga commune, Bubanza province, and was reportedly beaten by several police officers for having stated on a local radio station that young people affiliated with the ruling party were receiving military training in the Democratic Republic of the Congo. On 9 May, two journalists from Radio France International (RFI) and RPA were detained for over four hours in Marangara, Ngozi province, by a local CNDD-FDD official, accompanied by a group of Imbonerakure, while reporting on the political situation in the province. The Burundian Journalists Union and the Eastern African Journalists Association denounced growing pressure placed on journalists to reveal their sources and the overall efforts made by the authorities to curtail freedom of the press in Burundi.

33. One notable case of a restriction of the freedom of assembly and movement occurred on 16 March, when the mayor of Bujumbura, in the aftermath of the

clashes between MSD and the police on 8 March, declared illegal any sporting activities involving more than one person on roads, limiting such activities to nine authorized venues. Any sporting organization intending to conduct activities in Bujumbura must seek permission from the local administration. However, the law was not always strictly applied.

34. The number of extrajudicial killings documented by BNUB during the reporting period drastically decreased to three cases, compared to 19 cases during the same period in 2013. However, while none of the killings last year were politically motivated, two of the cases in 2014 had political connections.

35. Impunity continued to be a source of concern as the Burundian authorities are yet to take significant steps to ensure that all those responsible for human rights violations are brought to justice through the use of credible, impartial and transparent investigations and regardless of their political affiliation. In most cases involving members of the Imbonerakure, the intervention of an administrative official put an end to judicial follow-up. Since January 2013, BNUB has documented only two cases in which the Imbonerakure were tried in a court of law and convicted. In addition, 27 of the 39 cases of extrajudicial killings that BNUB documented in 2013 were investigated by the judicial authorities, with only five resulting in convictions. However, investigations into the three killings this year led to arrests and one conviction to date. Finally, only 5 of the 35 cases of torture and ill-treatment documented in the first semester of 2014 are currently under investigation.

36. BNUB continued to support the development of a legal framework for the protection of human rights defenders. Following the establishment of a platform of human rights defenders and States' representatives by the Independent National Human Rights Commission in November 2013, a draft law on the protection of human rights defenders was consolidated in March 2014 and is due to be presented to national stakeholders later this year.

G. Social and economic development

37. Burundi's economy is improving after a series of negative shocks over the last few years that adversely affected socioeconomic activities. Economic growth reached 4.5 per cent in 2013 and is projected to reach close to 4.8 per cent for 2014, driven by the agriculture and construction sectors and the implementation of major infrastructure projects, including fibre optics, hydropower and roads. However, revenue shortfalls and the decline in budget support from 5 per cent of GDP in 2010 to a projected 2 per cent of GDP in 2014, which in part reflects austerity conditions in traditional donor countries and more stringent governance-based conditionality, limited the ability of the Government to maintain public spending levels. To address this situation, UNDP and development partners encouraged authorities to preserve pro-poor spending, expedite structural reforms and strengthen the country's fiscal position.

38. As at 31 May, 2,104 new asylum seekers had arrived in Burundi from eastern Democratic Republic of the Congo. The Office of the United Nations High Commissioner for Refugees (UNHCR) continued to assist about 50,000 Congolese refugees, most of whom reside in four camps in Ruyigi, Cankuzo, Muyinga and

Ngozi provinces and in Bujumbura. Some 130 Congolese refugees were resettled in other countries as part of a burden-sharing arrangement.

39. Some 79,000 internally displaced persons (IDPs) currently live in Burundi. During the reporting period, UNHCR continued to support the Ministry of National Solidarity to register IDPs at 19 sites across seven provinces in the country, with a view to resolving long-term displacement, and increasing national capacity for sustainable reintegration of IDPs.

40. Since January 2014, IOM has registered 5,160 Burundian irregular migrants who were expelled from the United Republic of Tanzania. Burundi received the largest number of expelled migrants and has been the least prepared for the influx. About 496 of the 1,582 persons who were identified as having no reference in Burundi remained in transit centres for over seven months.

III. Cross-cutting issues

A. Gender

41. As elections approach, the need to increase women's political participation in decision-making positions became more prominent. Following a training on gender mainstreaming in November 2013, 20 political parties designed gender-sensitive action plans to include women's concerns in the agendas of decision-making bodies and of their parties, and to improve women's participation in both entities. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) continued to support political parties in the implementation of the action plans. Moreover, provisions on women's participation were included in the new Electoral Code following recommendations submitted by women's organizations during the Electoral Code workshop held in Kayanza in May 2013.

42. Sexual and gender-based violence remained one of the prevailing human rights violations jeopardizing the safety and dignity of women in Burundi. Women and girls are daily victims of rape, sexual violence, forced prostitution and domestic violence, with most victims not reporting abuses to the police or the courts. In March 2014, UN-Women, UNDP, the United Nations Population Fund and OHCHR signed a joint programme to strengthen the efficiency and the performance of institutions and communities in preventing and ending impunity for violence against women and girls and providing assistance to survivors.

B. Child protection

43. To support the process of setting up a solid juvenile justice system, the Ministry of Justice, through the Professional Training Centre for the Judiciary, trained 60 magistrates of the Minors, Child Rights and Juvenile Justice Section in May 2014, based on the training tools developed in cooperation with the International Bureau on Child Rights.

44. Since January, 2,400 children expelled from the United Republic of Tanzania have returned to Burundi. To support their sustainable reintegration, efforts have been made to strengthen community child protection mechanisms in the areas of major return, namely, Karuzi, Rutana, Ruyigi and Makamba. As a result, an

additional 337 child protection committees have been set up and more than 2,400 people at the community level have been empowered to identify local solutions to violence, abuse and exploitation of children, and to strengthen the socioeconomic situation of vulnerable families.

C. Activities related to the Peacebuilding Commission

45. On 19 February, the Assistant Secretary-General for Peacebuilding approved a third peacebuilding priority plan for Burundi, providing $11.65 million to fund projects in four areas: national dialogue and social cohesion; youth participation; human rights; and land disputes. The Government, civil society organizations and international partners identified these areas of intervention as in need of additional support to further consolidate peace in Burundi. The Joint Steering Committee, which manages and oversees the implementation of the peacebuilding priority plan and is co-chaired by the Government and the United Nations Resident Coordinator in Burundi, held its first meeting on 27 May.

46. The Chair of the Burundi configuration of the Peacebuilding Commission, Ambassador Paul Seger of Switzerland, continued to work with my Special Representative on engaging the Government and key partners to strengthen support for peacebuilding and to consolidate peace in Burundi ahead of the 2015 elections. In New York, the Chair organized several meetings of the Burundi configuration, including a luncheon on 23 April, which was attended by the Chair of the Peacebuilding Commission, Ambassador Antonio de Aguiar Patriota of Brazil, and which discussed the concerns of the international community about shrinking political space ahead of the 2015 elections.

47. As part of his engagement, the Chair of the Burundi configuration also visited Burundi from 13 to 17 January 2014 to assess developments in the country. During a trip to Paris, Brussels, Bujumbura, Kigali and Arusha from 21 to 31 May, the Chair proposed the organization of a round-table discussion as a follow-up to the 2012 Geneva Partners Conference, with the aim of assessing progress against mutual commitments and reinvigorating the relationship between Burundi and its international partners.

IV. Transition of the United Nations Office in Burundi

48. As requested by the Security Council in its resolution 2137 (2014), a Joint Transition Plan was developed under the strategic leadership of the Transition Steering Group, which is co-chaired by BNUB and the Government of Burundi, and was submitted to the Security Council on 14 May. The Transition Steering Group is composed of the Governments of Burundi, Belgium, China, France, Kenya, Netherlands, Nigeria, Russian Federation, Rwanda, South Africa, Switzerland, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, representatives of BNUB, the African Union, the European Union, the International Conference on the Great Lakes Region and the Peacebuilding Commission and the United Nations Resident Coordinator.

49. The Joint Transition Plan is organized around priority areas covered by the benchmarks, maps the support of the international community to Burundi and

identifies possible gaps resulting from the closing of BNUB. It seeks to enable BNUB to gradually scale down its activities, and the United Nations country team and other partners to increase their capacities in priority areas, while BNUB continues to implement its mandate as requested by the Security Council and work with its partners in Burundi to ensure continued progress towards the benchmarks.

50. The largest capacity gap resulting from the departure of BNUB is likely to emerge in the area of democratic process, governance and institution-building, especially regarding the facilitation of political dialogue and high-level advocacy. While support to governance and institution-building will continue to be provided by UNDP and other members of the United Nations country team, political dialogue and high-level political facilitation will most likely be facilitated through a combination of actors, including relevant United Nations regional political offices and, to a lesser extent the United Nations country team, through the project "National dialogue and social cohesion" of the third peacebuilding priority plan. These efforts will be made in close coordination with relevant partners and regional actors such as the African Union, the European Union, the East African Community and the International Conference on the Great Lakes Region.

51. In the area of human rights and transitional justice, relevant activities are expected to continue after the departure of BNUB, subject to continued financial support for the work of United Nations agencies, funds and programmes. OHCHR is exploring the possibility of continuing its efforts to promote and protect human rights, increase the capacities of human rights institutions and provide advice, administrative and logistic support and training to transitional justice mechanisms after the departure of BNUB as agreed in the Joint Transition Plan. Partners have already expressed strong interest in funding a stand-alone OHCHR presence.

52. While the United Nations country team is actively engaged in the rule-of-law sector and implements activities in close cooperation with BNUB, it does not currently have all the necessary resources to be able to compensate for the loss of BNUB contribution to this area. UNDP intends to increase its capacities to absorb some of the tasks currently being performed by BNUB in this area into its existing programming, and is recruiting a rule-of-law adviser and three international United Nations Volunteers to strengthen its rule-of-law component. In addition, a team of the Global Focal Point on Police, Justice and Corrections, comprised of representatives of UNDP, UN-Women, the United Nations Office on Drugs and Crime and OHCHR, was deployed to Burundi from 27 April to 6 May 2014 to support the development of a United Nations rule-of-law strategy for Burundi.

53. While the current level of involvement of the international community in Burundi's security sector should ensure continuity, the departure of BNUB could produce capacity gaps in advocacy efforts at the political level, including with regard to the issue of small arms and light weapons. Relevant United Nations regional political offices could provide support in this regard. In addition, the African Union Commission intends to increase its capacity and expand its involvement in this area to help close possible gaps.

54. The end of the mandate of BNUB is unlikely to have a significant impact in the socioeconomic development area, as related activities are already well covered by the United Nations country team. It is therefore not expected that the transition process will lead to other resource requirements in this area, provided that United Nations agencies, funds and programmes receive the remaining funding for their

respective programmes as part of the United Nations Development Assistance Framework.

55. According to the Joint Transition Plan, the smooth transition of BNUB depends on a number of key assumptions. Among these are a stable security situation and an enabling environment that will allow BNUB to continue to implement its mandate until 31 December 2014, and the United Nations country team and its partners to continue their work without restrictions on their operations or the diversion of resources to address emergency needs. The Joint Transition Plan also assumes that all stakeholders will actively support and contribute to the process and that international partners will provide active and timely financial support to the country team and increase their own capacity in critical areas. Finally, the Plan assumes that there will be strong national ownership by the Government of Burundi at all levels of the transition and the creation of conducive political conditions on the ground that is characterized by political dialogue, and the strengthening of democratic institutions and good governance, all of which are indispensable elements for a successful and peaceful transition process.

V. United Nations electoral observer mission

56. As requested by the Security Council in its resolution 2137 (2014), the Department of Political Affairs has been making preparations for the establishment of an electoral observer mission to follow and report on the electoral process in Burundi immediately following the end of the mandate of BNUB. The mission will be fully operational on 1 January 2015 and will follow and report on the various stages of the presidential, parliamentary and local elections, as well as the overall context under which the elections will take place. It will be based in Bujumbura and will have a small field presence. It is envisioned that it will comprise slightly over 30 substantive staff and some support staff. An advance team will be deployed in the last quarter of 2014 to commence preparations.

57. In carrying out its mandate, the electoral observer mission will interact and engage with a broad range of stakeholders, with a view to gathering information and contributing to the creation of an environment conducive to the holding of peaceful and credible elections. It will also work closely with other partners, including the African Union.

VI. Observations

58. Political tension remains high in Burundi, despite attempts by national actors to address key issues through dialogue and consensus. With the consensual adoption of a new Electoral Code and the signing of a code of conduct for the 2015 elections, Burundi has laid the foundations for a peaceful and participatory electoral process. In this regard, I welcome the announcement of the electoral calendar. However, the continuing mistrust that has shaped relations between the ruling party and other actors risks undermining these achievements. Now more than ever, Burundi must protect and promote the spirit of dialogue and consensus that has driven the peace consolidation process since the 2000 Arusha peace agreement. It is incumbent on both the Government and the opposition to play their part in ensuring a continuing consensual approach to peace consolidation and to abide by the commitments they

have made within the framework of the Electoral Code, the code of conduct and the electoral road map. I urge the Government to promote dialogue between all national actors, including civil society, undertake confidence-building measures and guarantee space for all political parties, including those from the extra-parliamentary opposition, to exercise their political freedoms. Likewise, I encourage opposition parties to fully participate in the political life of the country and play their role in providing the alternatives and choices that are vital to any democratic system.

59. The 2015 elections will be a critical milestone for the long-term stability of Burundi. If the elections are peaceful and inclusive and if they are conducted in a credible manner, they offer an opportunity to consolidate Burundi's democratic transition. Less than a year from the elections, I am concerned by the steady increase in acts of violence and human rights violations compared with the corresponding period in 2013. Credible elections also presume a level playing field that allows for fair competition between candidates before electoral events, and for citizens to be able to make a choice without fear of violence or intimidation. Unfortunately, this is not the case now. While I commend the efforts of the Independent National Commission for Human Rights to strengthen respect for human rights in Burundi, I urge the Government of Burundi to take all necessary measures to ensure the exercise of public freedoms, notably the rights to freedom of peaceful assembly and association, opinion and expression, and to assure the protection of all human rights defenders.

60. While I note that the number of extrajudicial killings has markedly declined, Burundian authorities must make a greater effort to ensure that all human rights violations are seriously investigated and that perpetrators are held accountable. In this regard, I am particularly concerned by acts of violence and human rights violations reportedly perpetrated by members of youth wings of political parties, in particular of the majority party. The apparent impunity enjoyed by this group is particularly troubling. I call on those who have influence over the group to ensure that such actions cease, and that those responsible are brought to justice. I also reiterate my call on the Government and political parties to take all necessary steps to ensure that the country's youth are neither politically manipulated nor commit violent acts. In this regard, I welcome the initiative of the Ombudsman to bring together youth from different political parties to discuss their role in consolidating peace and fostering tolerance in a challenging environment. I encourage the Burundian authorities to continue undertaking such commendable initiatives.

61. I welcome the steps taken to further professionalize the justice system. However, I remain concerned by the limited progress in increasing its independence and its accountability. I am concerned that limited follow-up of serious cases of human rights violations contributes to entrenching a culture of impunity. I am also concerned that the prosecution of certain highly visible cases and other uses of the judicial system give the impression that justice is being instrumentalized. Continued efforts will be necessary to ensure that all accused receive a fair trial, and that respect for the independence of the judiciary is further enhanced.

62. The Truth and Reconciliation Commission is a critical mechanism to further peace consolidation, reconciliation and development. Experience has shown that transitional justice mechanisms need to be fully owned by the population, their representatives and civil society at large. This can be done only through a

participatory and inclusive process. While I regret that a large consensus was not reached during the elaboration and adoption of the law establishing the Commission, there is still a vital need to guarantee the independence, and through it, the credibility of the Commission. This is the only way to protect its role in establishing the truth on past human rights violations, address the pressing needs of victims, establish responsibilities and promote national reconciliation. I urge all concerned actors to ensure that the Commission accomplishes its mandate in an independent manner, and addresses all issues at the heart of the conflicts that have marked Burundi's recent past.

63. I take note of the law establishing a special court on land issues. I appeal to the Government to protect the Court from political interference, and continue to ensure that land tenure is addressed in the broader context of socioeconomic development, bearing in mind the need to foster reconciliation and national cohesion, especially in the run-up to the 2015 elections.

64. Socioeconomic development remains a key ingredient in the consolidation of peace in Burundi. I therefore welcome the idea of a round-table meeting, as a follow-up to the Geneva partners conference of 2012, to assess progress and remaining challenges, renew mutual commitments and develop a blueprint for Burundi's development beyond 2015. Such a blueprint, coupled with credible elections in 2015, would help create a conducive environment for greater external investment and donor support.

65. I welcome the development of the Joint Transition Plan for Burundi, which will guide the transfer of responsibilities from BNUB to the United Nations country team, the Government, and national and international partners. I am encouraged that the Plan was developed in a spirit of partnership and cooperation and that it received the full support of all stakeholders involved in the process. While BNUB prepares to draw down, it will continue to implement its mandate to ensure continued progress towards the agreed transition benchmarks. To effect a smooth transition, I call on the international community to increase its political and financial engagement in order to address critical gaps. This should include equipping the United Nations country team to assume greater responsibility after the departure of BNUB and supporting a stand-alone OHCHR office to ensure continuity in addressing human rights challenges in the country. I encourage regional organizations to further increase their engagement with Burundi and urge the Government to preserve a political environment conducive to the peaceful, smooth and sustainable transfer of tasks.

66. I wish to take this opportunity to thank President Nkurunziza and his Government for their continued cooperation with the United Nations. I would also like to express my appreciation to Burundi's development partners for their continued engagement and support of the consolidation of peace and sustainable development in Burundi. Lastly, I sincerely thank all United Nations personnel who, under the able leadership of my Special Representative, Parfait Onanga-Anyanga, have continued to show commitment and dedication in supporting the consolidation of peace in Burundi.